

**Adopted Minutes  
Spanish Fork City Council Meeting  
May 15, 2007**

Elected Officials Present: Mayor Pro Tem Matthew D. Barber, Councilmember's Seth V. Sorensen, G. Wayne Andersen, Chris C. Wadsworth, Steven M. Leifson

Staff Present: Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; John Bowcut, IS Director; Kent Clark, Finance Director; Dee Rosenbaum, Public Safety Director; Richard Heap, Public Works Director; Dale Robinson, Parks and Recreation Director; Kimberly Robinson, Deputy Recorder

Others Present: Christina Dominguez, Emanuel Dominguez, Jake Johnson, Gloria Christensen, Dennis Stone, James Sweeten, Gary A. Carter, Allen Hall, Kelly Peterson, Troy Cressman, Kyle Clyde, Brittany Wride, Heather Campbell, Les Allen, Scott Roberts

**CALL TO ORDER, PLEDGE, RECOGNITIONS:**

Mayor Pro Tem Barber called to order at 6:03 p.m.

Brittany Wride lead in the pledge of allegiance.

**Strawberry Days Royalty**

The Strawberry Day's Rodeo Royalty invited everyone to the Strawberry Days Rodeo running June 20<sup>th</sup> - 23<sup>rd</sup>. They then presented the Council with a strawberry cheesecake and discussed the events they will have going during Strawberry Day's.

**Employee of the Quarter**

Mr. Perrins presented the employee of the first quarter award to Cody Hanks; he is the buildings and grounds maintenance technician.

**PUBLIC COMMENTS:**

Troy Cressman

Mr. Cressman commented on the need for a regional recreation center. The Springville pool is being torn down and there will be five high schools in the area, none with an indoor pool. The people wonder why Spanish Fork does not do anything or get anywhere with their Swim Team, it is because they do not have access to the facilities to train and cannot compete. He added that swimming is a life-long sport and hobby. The senior citizens swim because it is easier on their joints and a more effective workout.

Mayor Pro Tem Barber asked if Mr. Cressman had a solution for a county-wide recreation center.

Mr. Cressman hopes to get the support of the other cities before they start the project. He feels the best solution would be to put in a big center like the ones in American Fork and Tooele.

Mayor Pro tem Barber stated there are solutions out there for the funds are as he sees it everyone is in favor of the center. But when it comes to the money no one wants to come up with it. We will need to work out some cooperative funding to accomplish this task.

Councilman Wadsworth congratulated Mr. Cressman on his argument for a recreation facility; he also stated that in a recent Council meeting he posed the same question to Commissioner Gary Anderson, County Commissioner, who stated that a South County Recreation Facility is a high priority for the Commission and citizens. Councilman Wadsworth requested that Mr. Cressman and others make their voices heard to Commissioner Anderson as well.

Casey Whitaker

Mr. Whitaker works at the clinic and does not have places to send people for exercise. He asked if they have looked at the legacy pool in Lehi since he feels as a model that would be a great place to start. If a facility proposal was on the ballot he would vote for a great facility such as that.

### **COUNCIL COMMENTS:**

Councilman Wadsworth reported the finance committee meeting yesterday morning and will have some things in a regularly scheduled Council Meeting to discuss.

Councilman Andersen was in the finance committee meeting and stated the bonds have been issued at a rate of 4.3% for the police/court building which is good.

Mayor Pro tem Barber said this last week Mr. Steve Wilson wrote a letter to the editor in the paper regarding the trailer park and north park development; it talked about the lack of caring from the city. For him that matter is a private issue since the ground is owned by a private individual who negotiated their property: the trailer owners own the trailer, but not the ground. There has not been any negotiation with the city so they are not aware of what is going on. It has nothing to do with the city and the implication that the city should step up and do something is not what needs to be discussed tonight.

Councilman Andersen commented the Mayor called him and said the people have found spaces for everyone in the trailer park to move with even a few more places to move than they needed. Owners have given the option to be moved at the developer's expense, or in lieu of being moved, receive cash.

Councilman Sorensen said the Mayor made those remarks and they found places to move those individuals in the trailer park or they can opt to take the cash.

Mayor Pro tem Barber again said it is up to the property owner and the trailer owners whether they want to move or take the cash.

### **NEW BUSINESS:**

#### **Notice of Intent to Revoke Business License**

Mr. Baker stated under the business license ordinance they can revoke the business license. Ms. Christensen signed an affidavit stating she believes the daycare is not a home occupation and they do not live there. The applicant is stating she resides in the home.

Gloria Christensen

Mrs. Christensen said she has never seen people work so hard to make it look like they live there. She has been over and no one has been there. All the neighbors have watched, and no one lives there. They have spent several nights there; if they want to run the daycare let them move it to their home. She also pointed out they are only allowed one sign and they have three.

Ms. Christina Dominguez brought her son Emanuel Dominguez to translate. She said Ms. Christensen is blaming her for not having anyone live there. She has been separated from her husband since August of last year when she purchased the home, she has six kids, and can't be there all the time. If they knocked from midnight to 5:00 a.m. she would have been there as she sleeps there. The mayor has asked her to at least spend five nights a week there and that is what she is doing. On the weekends she is with her young children. She is wondering why she is being accused of something they do not know as a fact.

Mr. Anderson said the Ordinance does not define how long someone must spend in a home to qualify it as a residence.

Councilman Andersen asked how many children Ms. Dominguez cares for at the daycare.

Ms. Dominguez said she cares for 12 kids with the help of her daughter; that is the limit she is allowed.

Mayor Pro tem Barber asked what time she starts tending in the morning.

Ms. Dominguez stated she starts around 6:00 a.m.

Mayor Pro tem Barber asked about the signage issues.

Ms. Dominguez said if the signage is a problem they can take it down. They were not aware it was out of compliance.

The Council reviewed the city ordinances and regulations.

*Councilman Leifson arrived late at 6:45 p.m.*

Mayor Pro tem Barber stated “the truth is more than just the facts it is the real intent and the summary of what the whole thing is.”

Councilman Wadsworth clarified: “to tell the truth is not just to state the facts but to convey a true impression”. – Robert Lewis Stephenson.

Councilman Andersen asked where Ms. Christensen’s home is located.

Ms. Christensen explained her house faces across the street one house away. She then asked how Mrs. Dominguez communicates with the children she tends when she does not speak English. She sees them come in the morning and leave at night and lock up so they do not live there.

The Council stated they will take this under advisement in executive session and will let both parties know when they make a decision.

Councilman Sorensen made a **motion** to move to the Public Hearing. Councilman Andersen **seconded** and the motion **passed** all in favor at 6:50 p.m.

### **PUBLIC HEARINGS:**

#### **Boswell Park Preliminary Plat**

Mr. Anderson stated the city ordinance does not require this to be a public hearing. The current zoning in place is R-1-6 and meets the requirements the only issue they have is with access given the set-back requirements. The Other issue is access to the property behind it would be precluded and there is question whether or not UDOT would grant access to the property off Highway 6. The property owner is comfortable with the possibility it would not be developable with these lots being approved.

This item was opened for public comments. There was no public comment given at this time.

Councilman Wadsworth made a **motion** to accept the Boswell Park preliminary plat request with the three conditions specified by the Planning Commission.

#### **Conditions:**

1. Meet the construction and development standards.
2. That the Final Plat describes access requirements or limitations provided in the City’s Construction and Development Standards.
3. That redline corrections be made.

Councilman Sorensen **seconded** and the motion **passed** all in favor.

#### **Dennis Stone Zone Change**

Mr. Anderson explained the proposed zone change request for the subject property has five acres in all and they are requesting to be zoned R-1-9. Staff recommends approval.

Alan Hall

Mr. Hall lives in the middle of the development and hopes they consider working with them. They are willing to work with either party so they are not land-locked.

Les Allan

Mr. Allan is the Developer of Somerset Village which is adjacent. They need to get together and come up with a way that works for everyone.

Mayor Pro tem Barber stated it is their intent that everyone is working together to figure it out.

Councilman Sorensen made a **motion** to approve the Dennis Stone Zone Change Request. Councilman Leifson **seconded** and the motion **passed** all in favor.

### **Dos Amigos Zone Change**

Mr. Anderson explained the zone change request. He stated both the Planning Commission and DRC recommend approval.

This item was opened for public comment.

Rosemary Jarman

Ms. Jarman lives in Somerset Village. She explained over five years ago the Council expressed concern about Home Owners Associations (HOA) failing. She gave an analogy regarding their HOA. Compared to other HOAs in Utah they should have \$40,000 saved for improvements. They need Spanish Fork City to help resolve this issue. She loves her home and the area, but this situation calls for putting on the breaks, slowing down, and cleaning up this mess before they start another one. The Homeowners have presented a plan to help with the funds, but nothing has been done.

The Council was sympathetic but there is nothing they can do with this zone change to correct the problem.

Councilman Barber hopes the new HOA board can make some things happen.

Mark Jarman

Mr. Jarman endorses what his wife stated. He said people are happy with the homes, but not with the snow removal, cars parking in the street, dogs in yards, it is unacceptable. The product is the homes and the environment they exist in. Most people don't understand the financial liability they accept when they purchase their property. He does not expect the Council to get into their affairs, but feels they can control if the project gets approved or not.

Mr. Allan said Somerset's HOA fees right now are \$69 a month. They had a meeting a few months ago to put in place a board of trustees. He has done this type of project before, but not as all encompassing as this one is. They are looking to turn the HOA over to the owners so they are not handed problems in the future. The level of performance is in direct response to how much they are willing to pay in HOA fees.

Mayor Pro tem Barber stated it sounds like there are similar goals that can be resolved.

Councilman Leifson made a **motion** to approve the Dos Amigos Zone Change. Councilman Andersen **seconded** and the motion **passed** all in favor.

### **Foster Zone Change**

Mr. Anderson explained the proposed zone change. The DRC and Planning Commission felt it was most appropriate to zone the properties R-3.

This item was opened for Public comment. There was none given at this time.

Councilman Andersen made a **motion** to approve the R-3 zoning for the Foster property located at approximately 890 North 1100 East, based upon the following finding:

#### **Finding:**

1. That the proposed zone change is consistent with the General Plan designation. Councilman Sorensen **seconded** and the motion **passed** all in favor.

### **Reed Esplin Preliminary Plat**

Mr. Anderson explained the proposal for an industrial subdivision dividing the property into three lots. The applicant's intent is to commence with Phase 1. He added Mr. Esplin has been working to mitigate the wetlands issues. It meets the city standards for industrial subdivisions.

Discussion was made regarding wetlands banks.

This item was opened for public comment. There was none given at this time.

Councilman Sorensen made a **motion** to approve the proposed Preliminary Plat for the Reed Esplin subdivision based on the following finding and subject to the following conditions:

#### **Finding:**

1. That the proposed plat does conform to the City's requirements for subdivisions in the Industrial-1 zone.

#### **Conditions:**

1. Meeting the subdivision standards.
2. 1950 North street be dedicated to the City either as part of the plat, or deed outside of the plat, and be constructed to and through the first phase of the project when it is built or put in a temporary turn around.

3. That redline corrections be made.

Councilman Leifson **seconded** and the motion **passed** all in favor.

### **Juleen Whitney Zoning Text Amendment**

Mr. Anderson explained the request would allow a greater percentage of the property to be covered with an accessory building. The DRC spent a few weeks reviewing this and recommend the percentage increase to 15% from the current 10% so long as the accessory buildings are located within the setbacks.

This item was opened for public comments. There was none given at this time.

Councilman Wadsworth likes that it gives more leeway for the property owner to do with the property what they want.

Councilman Andersen made a **motion** to approve the proposed Amendment to Title 15 of the Municipal Code, changing section 15.3.24.090 A 7, based on the following findings:

#### **Findings:**

1. That the proposed change would allow residents to make more effective and efficient use of their property.
2. That the proposed change would not result in the creation of any situations that are more detrimental than what the ordinance currently allows.

Councilman Wadsworth **seconded** and the motion **passed** all in favor.

### **Master Plan Development Ordinance**

Mr. Anderson explained the object of the proposal is to raise the bar for master plan developments and allow the higher quality projects to build. The language proposed tonight is not intended to increase the propensity of developers to propose master plan developments. The Planning Commission made some recommendations, but there are two things staff feels they need to study further before they are included in the ordinance.

Mr. Baker addressed some legal issues, and noted what they need to keep in mind. If they are going to put a mandatory open space requirement in, they need to spend more time formulating the language they have. They also want little parks all over the city which can possibly be a maintenance problem for the city. It could be discussed as a cash in lieu option to make a nicer/bigger park throughout the city. He told the Council to be cautious as they decide to adopt the wording. Also the way the language is written will vest the applicant earlier, they need to think about that and they need to decide if the concept plan should be going to DRC, Planning Commission, and then to the Council. With those items in mind he does not think the two provisions as presented should be included, but the Council can adopt the changes without those items. His recommendation is to adopt the ordinance leaving those two items out for further study.

This item was opened for public comment.

James Sweetin

Mr. Sweetin spoke on behalf of the Forbush development. The things in the proposal are nice and they are excited to move forward. They hope the Council likes the plan presented. It is their hope this goes through and they can move forward with the project.

Mr. Allan has one of the biggest master plan developments. He explained parking is a problem and feels there needs to be more than what is required in the old ordinance. Also open space is a big need. He hopes the input they had is helpful. As a developer if they are coming for a project the City needs to hold them to a standard and things should be done well to make sure it lasts for a long time.

Councilman Sorensen feels after reading the proposal and talking to Dave Anderson these changes will be good, it will raise the bar and take it to the next level.

Councilman Andersen said there has been discussion about areas wanting to be annexed into the city and having them address issues like how will they supply power, where the roads are located, sewer, utilities, etc. They will have to know these answers to know what they are going to do. He feels the need for an extra step is not warranted.

Councilman Wadsworth likes the fact the outside materials required are nice.

Councilman Leifson is comfortable with the recommendation staff has and feels the two items will need to be discussed.

Mayor Pro tem Barber hopes in the future this will remain a living document that can be changed.

Councilman Sorensen made a **motion** to adopt the proposed with the exception of the provisions for concept plans and required open space. Councilman Leifson **seconded** and the motion **passed** all in favor.

Councilman Sorensen made a **motion** to move out of the public hearing. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

### **CONSENT ITEMS:**

**Minutes of Spanish Fork City Council Meeting – April 3, 2007**

**Renew Hallmark Cable Channel Agreement**

**Golf Pro Shop Contract**

**Chip Seal Project, Road Chip Bid and Chip Seal Project, Liquid Asphalt Bid**

Mayor Pro tem Barber made a **motion** to table the Golf Pro Shop contract for the next meeting. Councilman Sorensen **seconded** and the motion **passed** all in favor.

Councilman Sorensen made a **motion** to approve the remaining consent items listed. Councilman Leifson **seconded** and motion **passed** all in favor.

Councilman Wadsworth made a **motion** to take a break. Councilman Leifson **seconded** and motion **passed** all in favor at 8:09 p.m.

The meeting was called back to order at 8:16 p.m.

### **NEW BUSINESS:**

#### **Airport Grant Application**

Mr. Heap explained the grant is for runway rehabilitation.

Councilman Leifson is in favor of this grant.

Councilman Leifson made a **motion** to approve the airport grant application. Councilman Sorensen **seconded** and the motion **passed** all in favor.

#### **Banking Services Bid**

Councilman Andersen explained the finance committee wanted more time to review some of the hidden facets involved with the bids, that certain things over a period of time might save the city money.

Councilman Wadsworth explained they want to look further to understand the value add the contenders offer along with the price.

Mayor Pro tem Barber made a **motion** to table the banking services to the June 19<sup>th</sup> Council Meeting. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

#### **Purchase of Land for Water Reservoir**

Mr. Baker explained the city needs a culinary water reservoir tank, they have reached an agreement with the Cattleman's Association. He then explained the agreement.

Councilman Sorensen made a **motion** to authorize the Mayor to execute the contract with the Cattleman's Association. Councilman Leifson **seconded** and the motion **passed** all in favor.

### **OTHER BUSINESS:**

Mr. Heap talked about the joint venture RFP for the seniors center. As they reviewed the process they would like the developer to give examples of cost, architectural rendering, and size. If they double the size they are looking at how many units they could have and still meet the parking requirements. He asked where the Council wants to go with this and what they want to require.

Councilman Sorensen is concerned about the parking required.

Councilman Leifson feels the city court building is the flagship of the whole city complex idea and would not like to see it overshadowed. Plus, with the parking requirements, it is not a good location for this project.

Mayor Pro tem Barber feels the concept could work somewhere else with different requirements, but not at this location.

Councilman Wadsworth asked if tiered parking was feasible.

Mr. Heap stated tiered parking is very expensive; it would be cheaper to buy additional ground than to build a parking structure.

Councilman Leifson feels that, to be fair to the developer, he is not in favor of going further with this project for now.

Councilman Andersen feels it does not make any sense to have people do all that effort and spend money if there is no chance of it working.

Councilman Andersen made a **motion** to build out the parking at the senior center. Councilman Leifson **seconded** and the motion **passed** all in favor.

Mr. Robinson talked about re-striping the city office parking lot and making changes to help with traffic flow. They are proposing to add an additional \$10,000 to the budget to complete this project.

Councilman Wadsworth asked about the feasibility of the parking lot re-striping being done as an eagle project.

### **Work Session – Budget Review**

Mr. Oyler stated this is the opportunity for the Council to ask any questions pertaining to the budget, they hope if there are items they want to review they ask the department directors questions tonight.

Councilman Leifson asked if they have any questions they need to bring it up now and not at the public hearing. The night of the public meeting is not when they should have questions. By the time the Public Hearing comes they should be set and ready to answer the public's questions.

Councilman Wadsworth disagreed with Councilman Leifson's assertion. He stated that questions should be asked anytime they arise.

Mr. Oyler stated the Council has the budget for a month to answer their questions and then the public hearing is for the public to address their questions.

Councilman Andersen said now that some have had a few years of experience, it is the time to have a good open discussion so they can take care of questions and address them. All need to feel comfortable about the budget so when they approve it they are unanimous. He wants to be sure to get all the issues out on the table and addressed so everyone's on the same page.

Mayor Pro tem Barber stated it has been said this is staff's budget. The only way they are going to agree is if it is their budget and they can agree on it. He asked how many pumpers they currently have.

Mr. Rosenbaum said there are four vehicles that can pump water, the snorkel used for industrial, two pumpers the 1990, 1983, and a tanker truck.

Mayor Pro tem Barber asked if there is the manpower to man all the trucks plus the other apparatus they need. Also is there an ISO requirement that will reduce home owners insurance by getting another pumper? What standard is the fire department using to say they need a certain amount of pumpers. Do they have room for another piece of equipment and what is the standard rotation time for that type of vehicle?

Mr. Rosenbaum said manning the equipment there are 33 – 44 firefighters. When the pager goes off those that can respond do while sometimes there are plenty, sometimes there is not enough. Two trucks have to go out and sometimes more. Usually they have plenty of manpower. From what he understands it would not improve the ISO rating; the equipment they have as far as equipment requirements are meeting the standard.

Mayor Pro tem Barber asked if they go on a fire that requires three pumpers are they going to be in a mutual aide situation anyways.

Mr. Rosenbaum said they do have mutual aide agreements that are critical to be able to call on neighboring communities. The schedule to keep a custom built fire truck has been 30 years and for the most part they have been able to do that. If you get a standard truck they last about 20 years. The 1983 pumper and they have is not reliable; they have had a tremendous amount of work done on it the last few years. Last year it was out of commission for four months. The exhaust for those that are running the components on the truck is so bad you can't stand by it. If you do you can't breathe. Also the engine rebuild did not correct the problem.

Brent Jarvis & Marvin Banks

They said there usually is a 30-year rotation on the trucks.

Discussion was made regarding the pumper trucks required.

Mr. Jarvis said they are working on a trade to accomplish the transport need they have.

Mayor Pro tem Barber stated this is a prime example of doing what they need; not requesting a legacy purchase of the biggest and best. He appreciates their effort to keep the costs low.

Mr. Oyler said the fire department and ambulance department saves the city millions because of the volunteer service they provide.

Mr. Rosenbaum emphasized the Spanish Fork fire department covers a bigger area than anywhere in the county.

Mayor Pro tem Barber asked Richard Heap about the roads and sidewalk replacement.

Mr. Heap stated they are not finished, but are going to have to use some different software to update their plan.

Mayor Pro tem Barber asked for more work on street overlay to help with the (PI) Pressurized Irrigation System.

**ADJOURN:**

Councilman Leifson made a **motion** to adjourn to executive session for land use issues and Pending Litigation. Councilman Sorensen **seconded** and the motion **passed** all in favor at 9:24 p.m.

ADOPTED: June 5, 2007

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Kimberly Robinson, Deputy Recorder